



Forthcoming judgments and decisions

The European Court of Human Rights will be notifying in writing seven judgments and / or decisions on Tuesday 10 November 2015 and 72 judgments and / or decisions on Thursday 12 November 2015.

Press releases and texts of the judgments and decisions will be available at 10 a.m. (local time) on the Court's Internet site (www.echr.coe.int)

Tuesday 10 November 2015

[Sahakyan v. Armenia \(application no. 66256/11\)](#)

The applicant, Hayk Sahakyan, is an Armenian national who was born in 1983 and lives in Yerevan. The case concerns the right to compensation following unlawful detention.

On 30 August 2007 Mr Sahakyan was arrested for intentional infliction of a grave injury and on 1 September 2007 his pre-trial detention was ordered by a court. On 28 September 2007 the same court released Mr Sahakyan on bail. However, on 4 October 2007 the investigator, relying on the 1 September 2007 decision, decided to cancel bail and to detain Mr Sahakyan again. Mr Sahakyan appealed and on 22 October 2007 the court quashed the investigator's decision finding that he had exceeded his authority and that Mr Sahakyan's detention from 4 to 22 October 2007 had been unlawful. Mr Sahakyan was ultimately acquitted in December 2007.

In April 2009 Mr Sahakyan instituted civil proceedings and was awarded compensation for pecuniary damage. His claim for non-pecuniary damage was dismissed on the basis that Armenian law did not provide for this type of compensation. An appeal on points of law to the Court of Cassation was dismissed in July 2011.

Relying on Article 5 § 5 (right to compensation) and Article 13 (right to an effective remedy) of the European Convention on Human Rights, Mr Sahakyan complains that he had been denied compensation for non-pecuniary damage suffered as a result of his unlawful detention as Armenian law did not provide for an enforceable right to such compensation.

[Slavov and Others v. Bulgaria \(no. 58500/10\)](#)

The applicants, Daniel Petkov Slavov, his wife Maira Plamenova Nenкова and their two minor sons Daniel and Plamen Danielovi Slavovi are Bulgarian nationals who were born in 1968, 1979, 2003 and 2006 respectively and live in Varna.

The case concerns a police operation at the home of Mr Slavov, a well-known businessman in Varna, who was arrested and whose house was searched.

On 30 October 2009 the public prosecutor of Sofia brought criminal proceedings against a person unknown for abuse of authority and embezzlement of public funds causing a serious prejudice to the municipal public transport corporation in Varna. In the context of that investigation, on 31 March 2010 at 6 a.m., a team of police officers entered Mr Slavov's family home and arrested him, in addition to carrying out searches of his house. The operation received wide media coverage.

Relying on Articles 3 (prohibition of torture and inhuman or degrading treatment), 5 (right to liberty and security), 6 § 2 (presumption of innocence), 8 (right to respect for one's home and for private and family life), 13 (right to an effective remedy) and Article 1 of Protocol No. 1 (protection of

property), Mr Slavov and the members of his family complain about a number of violations of their rights.

[M'Bala v. France \(no. 25239/13\)](#)

The applicant, Dieudonné M'Bala, is a French national, who was born in 1966 and lives in Paris (France). He is a comedian known by the stage name "Dieudonné". He has also engaged in political activities.

On 26 December 2008 Dieudonné M'Bala put on a performance at the "Zénith" in Paris in the context of a show entitled "J'ai fait l'con" ("I've been a naughty boy"). At the end of the show he invited Robert Faurisson, an academic who has received a number of convictions in France for his negationist and revisionist opinions, mainly his denial of the existence of gas chambers in concentration camps, to join him on stage. Dieudonné M'Bala then got an actor wearing what was described as a "garment of light", in fact a pair of striped pyjamas reminiscent of the clothing worn by Jewish deportees, on which was sewn a yellow star bearing the word "Jew", to present Mr Faurisson with the "prize for unfrequentability and insolence". The prize took the form of a three-branch candelabra (the seven-branch candelabra being an emblem of the Jewish religion), with three apples on top.

The incident was recorded by the police. On 29 December 2008 a preliminary investigation was opened. On 27 March 2009 the public prosecutor summoned Dieudonné M'Bala to appear before the Paris *tribunal de grande instance* for public insults directed at a person or group of persons on account of their origin or of belonging, or not belonging, to a given ethnic community, nation, race or religion, specifically in this case persons of Jewish origin or faith, by one of the means provided for in section 23 of the Law of 29 July 1881 on freedom of the press.

On 27 October 2009 the Paris court found Dieudonné M'Bala guilty on the charges and sentenced him to a fine of 10,000 euros, awarding a token euro in damages to each civil party. The judges took the view, in particular, that Dieudonné M'Bala could not have been unaware of the fact that Robert Faurisson was one of the leading advocates of Holocaust denial and that the offending remarks would be both insulting and contemptuous towards persons of Jewish origin or faith. They also observed that Dieudonné M'Bala had knowingly staged the scene in question and that he could not hide behind any humorous intent; for although caricature and satire, even of a deliberately provocative nature, was undeniably, in a democratic society, part of freedom of expression and creation, involving the communication of ideas and opinions, the right to humour had certain limits, and in particular that of respect for the dignity of the human person. In the case at hand, according to the judges, the permissible limits of the right to humour had been crossed to an excessive degree. Dieudonné M'Bala, the public prosecutor and a number of civil parties appealed against the judgment.

In a judgment of 17 March 2011 the Paris Court of Appeal upheld the judgment as to the guilt of Dieudonné M'Bala. The judges found that with the arrival on stage of Robert Faurisson, the performance could no longer be seen as a form of entertainment but rather took on the features of a political event, observing in their turn that the offending *mise en scène* and the circumstances surrounding it, in particular an obscene hand gesture known as the "*glissement de quenelle*" that had been announced to the audience, served to fulfil the show's stated aim to do "better" in terms of antisemitism than in previous performances. The Court of Cassation dismissed the appeal of Dieudonné M'Bala on 16 October 2012.

Relying on Articles 7 (no punishment without law) and 10 (freedom of expression), the applicant complains about his conviction.

Çamlar v. Turkey (no. 28226/04)

The applicant, Adnan Levent Çamlar, is a Turkish national who was born in 1965 and lives in London. The case concerns his allegation that the trial in Turkey resulting in his conviction for drug trafficking was unfair.

In April 1997 Mr Çamlar was arrested in London on suspicion of drug trafficking. He was found not guilty by the UK courts in September 1998.

In June 1997, Mr Çamlar was indicted in Turkey for the same offence. A number of hearings took place in his absence in the Izmir State Security Court. Mr Çamlar returned to Turkey and at a hearing in September 1999 he denied his involvement in the offence and contested incriminating statements made in his absence. His request to have certain witnesses heard on his behalf was denied. In March 2003, Mr Çamlar was found guilty and sentenced to 24 years' imprisonment. Mr Çamlar appealed this judgment arguing that his conviction had been based on unchallenged evidence. The Court of Cassation upheld his conviction in March 2004.

In June 2005, Mr Çamlar requested a review of his case and in December 2005 the court reduced his sentence. The Court of Cassation, however, subsequently quashed this judgment, holding that the first-instance court should hold a hearing. Following several hearings before the Izmir Assize Court, held in Mr Çamlar's absence as he had in the meantime returned to the United Kingdom, he was sentenced to 20 years and 10 months' imprisonment. The Court of Cassation upheld this judgment in April 2009.

Relying on Article 6 §§ 1 and 3 (d) (right to a fair trial and right to obtain attendance and examination of witnesses), Mr Çamlar complains about the lack of independence and impartiality of the Izmir State Security court – which had a military judge sitting on the bench – and his inability to challenge the statements obtained in his absence or to have any witnesses in his favour examined.

Hakim İpek v. Turkey (no. 47532/09)

The applicant, Hakim İpek, was born in 1962 and lives in Diyarbakır (Turkey).

The case concerns the wounding of Mr İpek by gunfire during violent clashes between demonstrators and police and the failure to identify the perpetrators.

Mr İpek filed a complaint with the public prosecutor, alleging that two police officers had fired at him. The public prosecutor discontinued the proceedings finding that there was no evidence, and in particular no video-recordings, to show that the security forces had been involved in the contested acts. On an appeal by Mr İpek, the Siverek Assize Court ordered an additional investigation and came to the same conclusion.

Relying on Articles 3 (prohibition of torture and inhuman or degrading treatment), 13 (right to an effective remedy), 14 (prohibition of discrimination) and 17 (prohibition of abuse of rights), the applicant alleges that he was wounded by police officers and that the authorities did not carry out an effective investigation into the incident.

Kaçmaz v. Turkey (no. 8077/08)

The applicant, Şakir Kaçmaz, is a Turkish national who was born in 1973 and is currently serving a sentence of life imprisonment in Tokat Prison (Turkey) for his involvement in the activities of *Hizbullah*, an illegal organisation. The case concerns his allegations of ill-treatment by police officers and the alleged lack of an effective investigation into those allegations.

On 30 September 2001, Mr Kaçmaz was arrested on suspicion of being a member of *Hizbullah*. He was held in police custody until 18 October 2001 when he was transferred to prison on remand. He was convicted and sentenced to life imprisonment by the Van Assize Court on 11 May 2006.

Mr Kaçmaz was seen by doctors following his arrest who noted some facial injury. On 10 October 2001 a hospital specialist reported some hearing loss and diagnosed membrane perforation in his left ear concluding that this could have occurred as a result of trauma. In December 2001 Mr Kaçmaz complained to the prosecutor alleging that he had been assaulted on arrest and while in custody. He claimed in particular that he had been stripped naked, blindfolded, beaten, threatened, strangled, subjected to electroshocks and to suspension by his arms, hosed with pressurised water and had his testicles squeezed. Between 2004 and 2008 Mr Kaçmaz lodged further petitions and requested information and updates on the investigation. In October 2009, the public prosecutor decided to close the investigation finding that Mr Kaçmaz's injuries had been sustained as a result of lawful force used to arrest him and that there was no evidence to support his allegation that he had been subjected to ill-treatment. Mr Kaçmaz lodged an objection which was dismissed by the court in March 2010.

Relying on Article 3 (prohibition of torture and of inhuman or degrading treatment), Mr Kaçmaz alleges in particular that he was ill-treated during his arrest and then in police custody and, furthermore, that his allegations had not been examined thoroughly and promptly. In particular, he complains that he had not been given a medical examination in relation to the allegation of electroshocks and that the authorities had not obtained statements from the police officers concerned.

The Court will also give its ruling in writing on the following case, which concerns issues which have already been submitted to the Court.

This ruling can be consulted from the day of its delivery on the Court's online database [HUDOC](#). It will not appear in the press release issued on that day.

Sharra and Others v. Albania (nos. 25038/08, 64376/09, 64399/09, 347/10, 1376/10, 4036/10, 12889/10, 20240/10, 29442/10, 29617/10, 33154/11, and 2032/12)

Thursday 12 November 2015

[Sakit Zahidov v. Azerbaijan \(no. 51164/07\)](#)

The applicant, Sakit Salim oglu Zahidov, is an Azerbaijani national who was born in 1959 and lives in Belgium. He is an independent journalist, satirist and poet.

The case concerns Mr Zahidov's allegation that he was convicted of a drugs offence on the basis of planted evidence.

According to Mr Zahidov, who was working for the newspaper *Azadliq*, he was stopped by four plain-clothes officers from the drugs squad (the Narcotic Department of the Ministry of Internal Affairs - NDMIA) on 23 June 2006 at 7 p.m. when leaving a café in Baku and taking a taxi. He was taken to the NDMIA where he was searched at 7.20 p.m.. During the search, the officers found 9.264 grams of heroin in one of his pockets. Mr Zahidov claims that the officers must have planted the drugs on him during his arrest.

According to the Government, the official record of Mr Zahidov's arrest, which was drawn up at 10.55 p.m., states that the reasons for his arrest were that a large quantity of narcotic substances had been found on him. The record was drawn up without a lawyer being present and was signed by Mr Zahidov and the investigator.

Mr Zahidov was ultimately convicted by the Assize Court in October 2006 of illegal possession of a quantity of narcotic substances exceeding that necessary for personal use, without intent to sell and sentenced to three years' imprisonment. The court based Mr Zahidov's conviction on physical evidence, namely the narcotic substances found on him during the search, and the results of a

medical examination – ordered during the criminal investigation – carried out in July 2006 by medical experts who were of the opinion that, given Mr Zahidov’s “general features”, he was in the initial stages of drug addiction. Mr Zahidov’s conviction was upheld on appeal in December 2006. That decision was then upheld by the Supreme Court in April 2007. During the criminal proceedings, the national courts made no mention of Mr Zahidov’s specific complaints to them about the authenticity of the evidence obtained during the search and its use against him or about his request that they examine a video-recording of his body search.

Mr Zahidov was released from prison in April 2009 under an amnesty law.

Relying on Article 6 § 1 (right to a fair trial), Mr Zahidov complains that his conviction was unfair as it was based on unlawfully obtained evidence and that the courts failed to address his complaints in this regard in the proceedings against him.

[Bidart v. France \(no. 52363/11\)](#)

The applicant, Philippe Bidart, is a French national who was born in 1953 and lives in Béziers (France). Former leader of the Basque separatist organisation Iparretarrak, he received a number of convictions, and was sentenced in particular to life imprisonment, for killing three people in a terrorist act.

The case concerns the obligation imposed on Philippe Bidart, in the context of his release on licence, to refrain from disseminating any work or audiovisual production authored or co-authored by him concerning the offences of which he was convicted, and from speaking publicly about those offences.

In a judgment of 1 February 2007 the Sentence Execution Division of the Paris Court of Appeal granted his release on licence from 14 February 2007 to 14 February 2014. His release was conditional upon a number of general obligations (e.g. to notify any changes of address or employment and to obtain authorisation for any travel abroad) and special obligations.

On 24 December 2007 Philippe Bidart participated in a peaceful demonstration in front of Agen prison in support of Basque prisoners being held there. This was reported by the media. The Paris Sentence Execution Court thus decided to impose on him certain additional specific obligations, in particular the obligation to refrain from disseminating any work concerning the offence he had committed. That judgment was, however, quashed by the Criminal Division of the Court of Cassation on 10 June 2009 on the ground that only the Sentence Execution Judge had the power to alter the obligations attached to the release on licence. In a judgment of 28 June 2010 that judge decided to impose on Philippe Bidart an obligation to refrain from disseminating any work or audiovisual production authored or co-authored by him concerning, in whole or in part, the offence of which he had been convicted, and from speaking publicly about that offence. That judgment was upheld by the Paris Court of Appeal on 31 August 2010, which pointed out that this obligation did not constitute a disproportionate measure in relation to the need to protect public order. In a judgment of 30 March 2011 the Criminal Division of the Court of Cassation dismissed Philippe Bidart’s appeal.

Relying on Article 10 (freedom of expression), the applicant complains about the restriction on freedom of expression imposed on him in the context of his release on licence.

[El Kaada v. Germany \(no. 2130/10\)](#)

The applicant, Rachid El Kaada, is a German national who was born in 1988 and lives in Gladbeck (Germany). The case concerns his complaint that the decisions of the German courts revoking the suspension of a prison sentence previously imposed on him violated his right to be presumed innocent.

In October 2009 Mr El Kaada was arrested and questioned, without his counsel being present, on suspicion of having committed a burglary at a hotel. Having been informed of his right to remain

silent and to consult a defence counsel at any time, he admitted to having committed the offence. Several days later, at a court hearing for the review of his continued detention on remand, in the presence of his counsel, he retracted his confession. During the subsequent proceedings, the court revoked the suspension on probation of a sentence of two years' imprisonment it had previously imposed on him in 2008 for a number of offences. The court noted in particular that it had suspended the sentence on the condition that Mr El Kaada would not reoffend during the probationary period and that he had breached that condition, having regard to his confession of having committed the burglary.

Mr El Kaada appealed, stressing in particular that he had retracted his confession and claiming a breach of his right to be presumed innocent. The appeal court rejected his appeal, and in December 2009, following a decision of the court, his detention on remand was interrupted in order for him to serve the sentence imposed in 2008. On 23 December 2009 the Federal Constitutional Court declined to consider his constitutional complaint against the decisions to revoke the suspension of his prison sentence. In January 2010 the trial court convicted him of burglary and sentenced him to one year's imprisonment by a judgment which became final in June 2010.

Relying on Article 6 § 2 (presumption of innocence), Mr El Kaada complains that the decisions of the German courts revoking the suspension of his prison sentence on probation violated his right to be presumed innocent. The decisions were based on the courts' finding that he had committed a new offence despite the fact that he had not yet been convicted of that offence.

[Filippopoulos v. Greece \(no. 41800/13\)](#)

The applicant, Argyrios Filippopoulos, is a Greek national who was born in 1961 and who was held in Patras prison at the time he lodged his application.

The case concerns the conditions of the applicant's detention in Corinth prison and the lack of any domestic remedy by which to complain of those conditions.

Charged with a drugs offence, Mr Filippopoulos was remanded in custody in Corinth prison on 29 September 2012. Suffering from drug addiction and other health problems, he complains about his conditions of detention, in particular overcrowding in his cell and deficiencies in facilities and food. Mr Filippopoulos was acquitted and released on 1 July 2013.

Relying on Articles 3 (prohibition of torture and inhuman or degrading treatment) and 13 (right to an effective remedy), Mr Filippopoulos complains about the conditions of his detention and the lack of a remedy by which to complain about those conditions.

[Bimuradova v. Russia \(no. 3769/11\)](#)

The applicant, Toita Bimuradova, is a Russian national who was born in 1966 and lives in the village of Bas-Gordali, (Chechnya, Russia).

The case concerns the disappearance of her brother.

Ms Bimuradova alleges that her brother, Magomed Bimuradov, born in 1972, was abducted by Russian servicemen on 27 May 2002 from a street near his house in Bas-Gordali. Her brother has been missing ever since.

Ms Bimuradova and her family complained about Magomed's disappearance to the authorities within two weeks of the incident. An investigation was initiated in October 2002 and Ms Bimuradova was granted victim status in the criminal case shortly afterwards. Between October 2002 and May 2005 Ms Bimuradova and her relatives, as well as the head of the local administration, were questioned by the investigating authorities, giving statements that, although they had not personally witnessed the alleged abduction, they had seen a suspicious white VAZ-2106 car without a registration plate driving around the village that day. The servicemen manning the checkpoints in

the vicinity and Ms Bimuradova's neighbours have not been questioned; nor has the crime scene been inspected. The investigation, suspended and resumed on a number of occasions with periods of inactivity, is currently still pending.

Relying on Article 2 (right to life), Ms Bimuradova alleges that her brother was abducted by the security forces and has been missing ever since and that the ensuing investigation into his disappearance was ineffective. She also complains under Article 3 (prohibition of inhuman or degrading treatment), Article 5 (right to liberty and security) and Article 13 (right to an effective remedy) about the mental suffering caused to her by the disappearance of her brother and the unlawfulness of his detention.

[Butko v. Russia \(no. 32036/10\)](#)

[Morozov v. Russia \(no. 38758/05\)](#)

The applicants, Konstantin Butko and Vladimir Morozov, are both Russian nationals who were born in 1976 and in 1969 respectively. Mr Butko is currently serving a 12-and-a-half year prison sentence in the Omsk Region (Russia) following his conviction in 2008 for armed robberies and illegal possession of firearms. Mr Morozov served an 11-year prison sentence in the Rostov Region (Russia) following his conviction in 2004 for murder.

These cases essentially concern allegations of appalling conditions of detention.

Mr Butko complains about the conditions of his detention in a number of penitentiary facilities, alleging that the cells were overcrowded, that inmates could hardly circulate in the dormitory because the space between furniture was so narrow, that the recreation and washing facilities were too small and that the number of toilets was insufficient. Mr Morozov alleges, in particular, that during his pre-trial detention he was held in cells which were overcrowded and unventilated and that detainees had to relieve themselves into a bucket. Following his conviction he alleges that he was detained in cells that were overcrowded – with prisoners having to sleep in shifts – and unsanitary, as they were infested cockroaches. Mr Morozov also complains that he was not provided with adequate medical treatment specifically for a head injury sustained prior to his arrest.

Relying on Article 3 (prohibition of inhuman or degrading treatment), both men complain about the conditions of their detention, in particular, prison overcrowding and unsanitary conditions. They also complain under Article 13 (right to an effective remedy) about the absence of an effective remedy for their complaints.

[Khodzhayev v. Russia \(no. 21049/06\)](#)

The applicant, Rustam Makhsumovich Khodzhayev, was born in 1963 and is currently serving a prison sentence in Vezhayka, region of Komi (Russia).

The case concerns ill-treatment allegedly inflicted on him when he was arrested by the police and the lack of any effective investigation into that treatment, together with a lack of legal assistance on appeal.

Suspected of drug trafficking, Mr Khodzhayev was the subject of a police operation to establish whether he was selling drugs. On 7 April 2005 he was arrested after a transaction with one of his acquaintances under police surveillance. According to him, the police officers assaulted him, pushed him to the ground and handcuffed and beat him during the arrest, even though he had remained passive. He was also struck while in the police station. Mr Khodzhayev underwent medical examinations on the same day.

He filed an initial complaint for ill-treatment with the public prosecutor of Leninski district. The investigator found there was no case to answer. In the meantime he had filed a second complaint, stating that there had been two witnesses. Those proceedings were also discontinued. The court of

Leninski district in the city of Tumen dismissed his appeal against the discontinuance and refused to address the question of the witness statements.

As to the criminal proceedings, Mr Khodzhayev claimed that he was innocent, stating that the money found on him had come from the reimbursement of a debt and not from the sale of drugs. He reiterated his allegations of ill-treatment. He was sentenced to nine years' imprisonment for drug trafficking and the court dismissed his allegations of ill-treatment. On appeal, he asked several times to be assisted by the lawyer who had been assigned to him at first instance and reiterated his ill-treatment complaint. The Tumen Regional Court upheld the judgment of the court below; only the applicant and the public prosecutor were present at the hearing, Mr Khodzhayev's lawyer being absent for unspecified reasons.

Subsequently the charges against Mr Khodzhayev were reclassified as the attempted sale of drugs and his sentence was reduced to eight years and nine months.

Relying on Articles 3 (prohibition of torture and inhuman or degrading treatment), 6 (right to a fair hearing) and 13 (right to an effective remedy), Mr Khodzhayev complains that he was ill-treated by the police and that there was no effective investigation into his allegations. He also complains about the lack of legal assistance on appeal and other breaches of his rights under Article 6.

[Korkin v. Russia \(no. 48416/09\)](#)

The applicant, Sergey Korkin, is a Russian national who was born in 1973 and lives in Moscow. The case concerns criminal proceedings brought against him and his related pre-trial detention, as well as the conditions of his transport to and from the court hearings on his case.

Mr Korkin was arrested on 14 April 2005 on suspicion of involvement in fraudulent property transactions. On 15 April 2005 the district court ordered Mr Korkin's pre-trial detention noting the nature of the alleged crime and the risk that he may abscond, reoffend or interfere with witnesses. His pre-trial detention was extended on numerous occasions by the courts and these decisions were upheld on appeal. On 20 March 2009, following the trial, the judge began to deliver the judgment in which he was found guilty of four counts of fraud. The text specified 20 March 2009 as the date of the judgment's delivery. However, it was only 20 days later, on 10 April 2009, that the judge chose to disclose the decision specifying Mr Korkin's sentencing to nine years' imprisonment and continued detention before the judgment came into force.

Relying on Article 3 (prohibition of inhuman or degrading treatment), Mr Korkin complains in particular about the conditions of his transfer between the remand prison and the court-house. He notably alleges that on the days of his court hearings between 2007 and 2009 he was transported from the remand prison to the court-house in the back of a prison van which had no windows or internal lighting and that there was a lack of ventilation making it difficult to breathe. Also relying on Article 5 § 1 (right to liberty and security), Mr Korkin argues that his detention between 20 March and 10 April 2009 was unlawful as it had not been authorised by a court order. Lastly, he complains under Article 5 § 3 (entitlement to trial within a reasonable time or to release pending trial) and Article 6 § 1 (right to a fair trial within a reasonable time) about the excessive length of his pre-trial detention – approximately four years – and of the criminal proceedings – more than four and a half years – against him.

[Merezhnikov v. Russia \(no. 30456/06\)](#)

The applicant, Sergey Mikhaylovich Merezhnikov, is a Russian national.

The case concerns his allegation that he was ill-treated by the police.

Mr Merezhnikov was arrested by the police in April 2003 on suspicion of causing a breach of the peace with a weapon. He was placed in a temporary detention centre by the police in the city of Chaykovsky, in the region of Chelyabinsk. On 27 April 2003 an investigator responsible for the

criminal case visited the centre to question Mr Merezhnikov. During the day, when he was refusing to obey the orders of the police, who had asked him to leave his cell for a meeting with the investigator, Mr Merezhnikov was physically forced to do so by a police officer. He then underwent an operation to fix his left arm, leaving him with a fracture of the humerus. In September 2005 Mr Merezhnikov brought a civil claim for the non-pecuniary damage sustained on account of the fracture. The court dismissed his claim, finding that the police officers had used force in conformity with the law to deal with his refusal to follow orders.

Relying on Article 3 (prohibition of torture and inhuman or degrading treatment), Mr Merezhnikov alleges that he was the victim of an excessive use of force by the police which amounted to inhuman and degrading treatment.

[Naimdzhon Yakubov v. Russia \(no. 40288/06\)](#)

The applicant, Naimdzhon Mirzozaliyevich Yakubov, is a Tajikistani national who was born in 1973 and prior to his arrest lived in Moscow.

The case essentially concerns Mr Yakubov's pre-trial detention during criminal proceedings against him for drug dealing.

Mr Yakubov was arrested on 30 June 2004 on suspicion of drug dealing and remanded in custody pending the criminal investigation against him. Three sets of criminal proceedings against him ensued. In the first set of proceedings, he was convicted as charged in March 2005 and sentenced to 14 and a half years' imprisonment. His conviction was however quashed on appeal in April 2005 and the matter was remitted to the trial court for fresh consideration. He was convicted again in the second set of proceedings in December 2005. This conviction becoming final in April 2006, he served a prison sentence for almost a year until April 2007 when his conviction was quashed on appeal and the case remitted for fresh consideration again. He was then convicted once more in August 2008 in the third set of proceedings and was sentenced to ten and a half years' imprisonment. This conviction and sentencing was upheld on appeal and became final on 19 February 2009.

Relying on Article 5 §§ 1 (c) and 4 (right to liberty and security / right to have lawfulness of detention decided speedily by a court), Mr Yakubov complains about the unlawfulness of certain periods of his pre-trial detention (from October 2007 to January 2008 and from April to May 2008) as well as of certain appeal hearings (of March, April and July 2008) to review and extend his pre-trial detention. Lastly, Mr Yakubov complains under Article 5 § 3 (entitlement to trial within a reasonable time or to release pending trial) and Article 6 § 1 (right to a fair trial within a reasonable time) about the excessive length of both his pre-trial detention and the criminal proceedings against him.

[Zakharin and Others v. Russia \(no. 22458/04\)](#)

The applicants, Mikhail Zakharin, Pyotr Lunkin, Oleg Zyryanov, and Natalya Batskova, are Russian nationals. Mr Zakharin, born in 1979, and Mr Zyryanov, born in 1974, are currently serving a sentence of life imprisonment and 20 years' imprisonment, respectively, in the Irkutsk Region for banditry, aggravated murder and robbery. Mr Lunkin was born in 1974 and lives in the Irkutsk Region. Ms Batskova lives in Irkutsk.

The case concerns allegations of police brutality.

Mr Zakharin, Mr Zyryanov and Ms Batskova's partner, Pavel Bazhenov (now deceased), were arrested on 14 October 2003 on suspicion of murder and detained first at the police station and then at a remand prison. All three men allege/d that they were put under duress by the police in order to extract confessions from them during their initial police custody. All three men were examined by a doctor on 15 October 2003 and found to have various abrasions and bruises, Mr Bazhenov had a fractured nose.

Mr Zakharin and Mr Zyryanov both claim that they were then tortured during further police questioning: Mr Zakharin alleges that, beaten, tortured with electric wires and threatened with death and rape by the police and suffering intimidation from his cellmates, he ended up attempting suicide on two occasions in the months following his arrest; and Mr Zyryanov, unable to stand the kicking and beatings any longer, jumped out of a third-floor window of the police station in November 2003. Subsequently examined by doctors, Mr Zakharin was diagnosed with various cuts and Mr Zyryanov was hospitalised with a fractured arm and contusions to his thorax and spinal cord.

Ms Batskova alleges that her partner was constantly ill-treated from 24 October 2003 by other inmates, with the tacit consent of the prison guards, notably being deprived of food and sleep and threatened with murder and rape. He was allegedly raped by other inmates and then blackmailed with a videotape of the act. He was found hanged on 5 February 2004. The criminal proceedings instituted into the death of Ms Batskova's partner were discontinued in June 2006 due to lack of evidence of a crime and in July 2007 a court found that this decision had been lawful and justified. That judgment was not appealed against.

Mr Zakharin, Mr Zyryanov and Ms Batskova complained to the prosecuting authorities of police brutality and, initially refusing to bring criminal proceedings against the accused police officers, the investigating authorities eventually opened a criminal case in March 2004. In August 2006, however, those criminal proceedings were discontinued due to lack of elements to suggest that the officers had committed a crime. The applicants did not appeal.

Mr Zakharin and Mr Zyryanov were ultimately both convicted in December 2006 of banditry, aggravated murder and robbery. The trial court examined their allegations of police ill-treatment and found that no unlawful methods of interrogation had been used against them. This judgment was then upheld on appeal by the Supreme Court of Russia in September 2007.

Mr Lunkin had also been arrested in the context of the same murder case and kept in police custody from 5 to 7 September 2003. He alleges that he too was ill-treated by the police during his custody, notably that he had been beaten by police officers, then, forced onto a windowsill, lost his balance and had fallen down three floors. As a result, he spent a month in hospital with cerebral contusion and other multiple injuries. In October 2003 the prosecuting authorities refused his request to open criminal proceedings, concluding that he had jumped out of the window in an attempt to escape. In December 2003 a court found that this decision had been lawful and justified. Mr Lunkin did not appeal.

Relying in particular on Articles 2 (right to life), 3 (prohibition of torture and of inhuman or degrading treatment) and 13 (right to an effective remedy), Mr Zakharin, Mr Lunkin and Mr Zyryanov complain of ill-treatment by the police and inmates and Ms Batskova complains of her partner's ill-treatment and death while in police custody, alleging that the authorities' investigations into their complaints were ineffective.

The Court will give its rulings in writing on the following cases, some of which concern issues which have already been submitted to the Court, including excessive length of proceedings.

These rulings can be consulted from the day of their delivery on the Court's online database [HUDOC](#).

They will not appear in the press release issued on that day.

Lalov v. Bulgaria (no. 25159/10)

Chakkas and Others v. Cyprus (nos. 43331/09, 27877/10, and 36144/11)

G.S. v. France (no. 39747/15)

Fomkin v. Georgia (no. 21004/02)

Gegenava and Others v. Georgia (no. 65128/10)

Athanasopoulos v. Greece (no. 69402/13)

Fallak v. Greece (no. 62504/14)

Karatzounis v. Greece (no. 6886/15)
 Koutsospyros and Others v. Greece (no. 36688/13)
 Lohar v. Greece (no. 67357/14)
 Manetas v. Greece (no. 35131/13)
 Papoulias and Others v. Greece (no. 36635/13)
 Paraskakis v. Greece (no. 72636/12)
 Perontsis v. Greece (no. 77390/14)
 Reizakis v. Greece (no. 29076/15)
 Theocharis v. Greece (no. 19973/12)
 A.B. v. Hungary (no. 65571/11)
 Adonyi v. Hungary (no. 74201/11)
 Ducs v. Hungary (no. 51004/13)
 Zuhatagi-Fesu v. Hungary (no. 65612/11)
 Cavallaro v. Italy (no. 81292/12)
 Della Pietra v. Italy (no. 35519/04)
 Di Silvio v. Italy (no. 56635/13)
 Di Tella and Others v. Italy (no. 29231/15)
 Idep S.A. and Others v. Italy (no. 39393/09)
 Lupis Crisafi and Stagliano v. Italy (no. 40685/06)
 Mandelli v. Italy (no. 44121/09)
 Nardone v. Italy (no. 29733/06)
 Rinaldi and Cannova v. Italy (no. 44291/15)
 Virgilio S.P.A. v. Italy (no. 41984/04)
 Sproge v. Latvia (no. 7407/06)
 Muscat v. Malta (no. 77159/12)
 Portelli v. Malta (no. 55970/13)
 Dabrowski v. Poland (no. 28124/10)
 K.H. v. Poland (no. 6809/14)
 Kacpura v. Poland (no. 11361/15)
 Okroj v. Poland (no. 33505/13)
 Polkowski v. Poland (no. 65351/13)
 Sypniewski v. Poland (no. 6497/11)
 Szpak v. Poland (no. 20586/14)
 Castanheira Barros v. Portugal (no. 6159/13)
 COOPURB - Cooperativa de Construção e Habitação C.R.L. v. Portugal (no. 42868/13)
 Ribeiro Moura v. Portugal (no. 44097/13)
 Bakiyev v. Russia (no. 9728/05)
 Baurina v. Russia (no. 55599/07)
 Kaleyev v. Russia (no. 14521/05)
 Kovalev v. Russia (no. 24214/05)
 Lunev v. Russia (no. 48905/13)
 Lemyasov v. Russia (no. 19923/07)
 Malikov and Oshchepkov v. Russia (no. 42981/06)
 Yelisseyev v. Russia (no. 923/03)
 Zao Vavilon v. Russia (no. 42094/05)
 Azizi v. "The former Yugoslav Republic of Macedonia" (no. 1784/11)
 Ibrahim Tas v. Turkey (no. 25690/08)
 Lysenko v. Ukraine (no. 47340/06)
 Shulga v. Ukraine (no. 40298/06)
 Stetsykevych v. Ukraine (no. 40033/14)
 Vishchuk v. Ukraine (no. 19206/12)

Zolotyy Mandaryn Oyl, TOV v. Ukraine (no. 63403/13)
White and Gangar v. the United Kingdom (nos. 2100/10 and 2183/10)

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The European Court of Human Rights was set up in Strasbourg by the Council of Europe Member States in 1959 to deal with alleged violations of the 1950 European Convention on Human Rights.